IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 33140 of 2007(T)

PETITIONER:

SRI.T.SOMASUNDARAN,
S/O.LATE BHARATHAN, AGED 59 YEARS,
PALLICHALIL HOUSE, ARAYAMBETH, CHIRAKKAL P.O.,
KANNUR-11.

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENT:

THE BRANCH MANAGER,
KERALA STATE CO-OPERATIVE BANK LTD.,
KANNUR BRANCH, R.M.APARTMENTS, SOUTH BAZAR,
KANNUR-2.

BY ADV. SRI.NAGARAJ NARAYANAN,SC,K.S.CO-OP BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.11.2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 33140 OF 2007 T

Dated this the 7th November, 2007

JUDGMENT

Petitioner took a loan from the Kerala State Co-operative Bank Ltd. of which the respondent is the Manager. The Writ Petition is filed with the following prayers:

> *"(i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to permit the petitioner to directly sell his property mortgaged, in consultation with the Bank Officials, so as to close the loan account in full, on or before 31.12.2007;*
>
> *(ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondent to consider the request for waiving interest, penal charges etc. to a considerable extent enabling the petitioner to close the loan account on or before 31.12.2007 and to refrain from effecting coercive steps till 31.12.2007;"*

2. I heard the learned counsel appearing on behalf of the respondent also. Petitioner seeks time till 31.12.2007 to close the loan account in full. Learned counsel for the respondent would submit that recovery proceedings can be kept in abeyance till 31.12.2007. Counsel for petitioner submits that the petitioner may be permitted to sell the property mortgaged and to clear off the amount. Counsel for respondent submits further that if the petitioner is able to arrange for a private sale, the Bank has no objection provided that the entire amount due is liquidated prior to 31.12.2007. I record the submission and direct that the recovery proceedings against the petitioner will be kept in abeyance till 31.12.2007 so as to enable the petitioner to liquidate the entire liability on or before 31.12.2007.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.